

**LOCAL OPERATING PROCEDURES
UNITED STATES IMMIGRATION COURT
YORK, PENNSYLVANIA**

3/11/02

PROCEDURE 1. Motions Practice.

- A. Motions must be in writing and shall be accompanied by a proposed order for signature by the Immigration Judge (except for requests for counsel to appear by telephone at a master calendar hearing). All motions, including those for continuances, shall be submitted no later than fourteen (14) days prior to the scheduled hearing, unless good cause is shown for the failure to timely file.
- B. A motion shall set forth in detail the reason for the continuance. The mere filing of a motion for a continuance at either a master calendar or merits hearing does not excuse failure to appear at the hearing, unless the motion is granted by the court, prior to the scheduled hearing date.
- C. Written motions must be responded to in writing by the opposing party within ten (10) days of service of the motion in person, or within thirteen (13) days if the original motion was served by mail, unless the court directs otherwise. The response shall be filed in a manner calculated to assure its arrival at the court by the stated deadline. At its discretion, the court may invoke the provisions of 8 C.F.R. § 3.23(a) and deem any motion as unopposed if the opposing party fails to timely respond.

PROCEDURE 2. Appearances at hearings

- A. Pursuant to 8 C.F.R. § 3.17(a) a properly executed Notice of Entry of Appearance, Form EOIR-28, must be submitted in any case in which an attorney files a pleading, motion, exhibit, application or other paper, or appears in person or by telephone. Only one such form is necessary per attorney per case. An associate of an attorney of record, or another attorney appearing on a temporary basis, must submit a separate entry of appearance form.
- B. An attorney may request permission to appear telephonically for a master calendar hearing any time prior to the scheduled hearing so long as the request and Form EOIR-28 are received prior to the scheduled hearing. Since the cases of those present in the court are generally called first, an attorney appearing by telephone must be available at any time during the course of the master calendar hearing. The grant of a request to appear by telephone may be withdrawn if an attorney is unavailable or otherwise abuses this courtesy. Absent extraordinary circumstances, cell phones will not be permitted during telephonic appearances.
- C. In lieu of a written or telephonic appearance at a master calendar, a written pleading

responding to all allegations and charges and stating the relief sought, if any, and requesting that the Immigration Judge waive the personal appearance of the respondent may be filed, provided it is received three business days prior to the hearing so that adequate notice can be given to the INS not to bring respondent to court.

PROCEDURE 3. Filing Procedures.

- A. All submissions regarding a particular case must have the A-number of the case legibly printed or typed on the first page of the exhibit.
- B. The proper address for filing papers with the court by U.S. mail is:

United States Department of Justice
Executive Office for Immigration Review
York Immigration Court
P.O. Box 20370
York, PA 17402

The proper address for delivery of mail by couriers or in-person filings is:

United States Department of Justice
Executive Office for Immigration Review
York Immigration Court
3400 Concord Road, Suite # 2
York, PA 17402

All in-person filings must be made at the court's reception window during office hours and not left at the window outside those times. All filings for cases heard at the INS Minor and Family Shelter Care Facility in Leesport, PA must be made at the York court, not in Leesport.

- C. All submissions must be accompanied by a certificate of service that conforms to the requirements of 8 C.F.R. § 3.32(a). When venue of the case is in this court, the INS should be served at their litigation office in York, PA, not in Philadelphia or another INS office.
- D. The court does not accept filing of documents or motions by fax, except under extraordinary circumstances and only with advance permission of the court. Unsolicited faxes will be deemed of no effect and discarded.
- E. The size restriction (8-1/2" x 11" paper) of 8 CFR §3.32 must be complied with. Proposed exhibits shall be paginated and shall have as a first page a table of contents with page identification. Exhibit tabs conforming to the table of contents shall be attached to either the right side or bottom of each separate document. All submissions must be two-holed punched

at the top of the page with holes 2-3/4 inches apart

All documents and proposed exhibits intended to be presented at an Individual Calendar Hearing must be filed with the York Immigration Court no later than seven (7) calendar days prior to the scheduled hearing date, unless otherwise directed by the Immigration Judge. A list of all witnesses who a party intends to call shall be included, with a brief summary of their anticipated testimony. If an expert witness is to be called, a *curriculum vitae* establishing the foundation for his/her expertise must also be submitted. Belated submission of any of these materials must be accompanied by a motion for late filing, showing good cause, and must be submitted as soon as possible after the missed deadline.

- C. When filing a Form I 589 (Application for Asylum and for Withholding of Removal, including CAT), one original plus one copy of the application and supporting documentation must be submitted in open court. Other applications for relief need only be submitted in the original.
- II. In order to otherwise expedite the proceedings, the original of official foreign documents should be forwarded at the earliest opportunity in their original format to the Litigation section of the INS in York, PA, for possible forensic examination at its Forensic Documents Lab (FDL). Early communication with the INS in this regard is encouraged. If the INS elects to forward such documents to the FDL lab, the INS shall cause a copy of the FDL request to be filed with the court and the respondent.
- I. Detained parties who are represented by counsel or accredited representative should not submit motions or other documents directly to the court but to the attorney or accredited representative.

PROCEDURE 4. Access to the Court

- A. According to applicable regulations, most proceedings before the court are open to the **public**, 8 C.F.R. § 3.27 (except for specific cases, for example in asylum hearings where unless the applicant consents the proceedings will be closed, 8 C.F.R. § 208.6(a)). Both courtrooms are physically located inside of the York County Prison building. The prison may subject those who enter the courtrooms to certain security restrictions, including providing proper identification before entering. York County Prison does not permit children under the age of fourteen (14) into the prison. A party with a case in courtroom #2, and witnesses or family members under the age of 14 should inform the court and make arrangements with the prison and/or the court to facilitate their appearance. The prison also does not permit children under 14 to be left without adult accompaniment in the lobby of the **prison**.
- B. Hearings for detained juveniles and family groups held at the INS Minor and Family Shelter

Care Facility, 1243 County Welfare Road, INS "D" Wing, Leesport, PA 19533, may also be subject to security requirements relating to identification of those who enter and restrictions on children under the age of 14. Parties should call the INS if they have specific questions relating to such requirements.